



POLICY BRIEF

Religious Freedom under Restrictive Land Policies: Adaptive Practices of the Vietnam Catholic Church

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This policy brief is an outcome of the 2024 research grant program of SHAPE-SEA, developed as part of its commitment to advancing evidence-based policy and practice in the region.



I. Background



Vietnam's constitutionally guaranteed freedom of religion exists in tension with the country's distinctive land governance system.

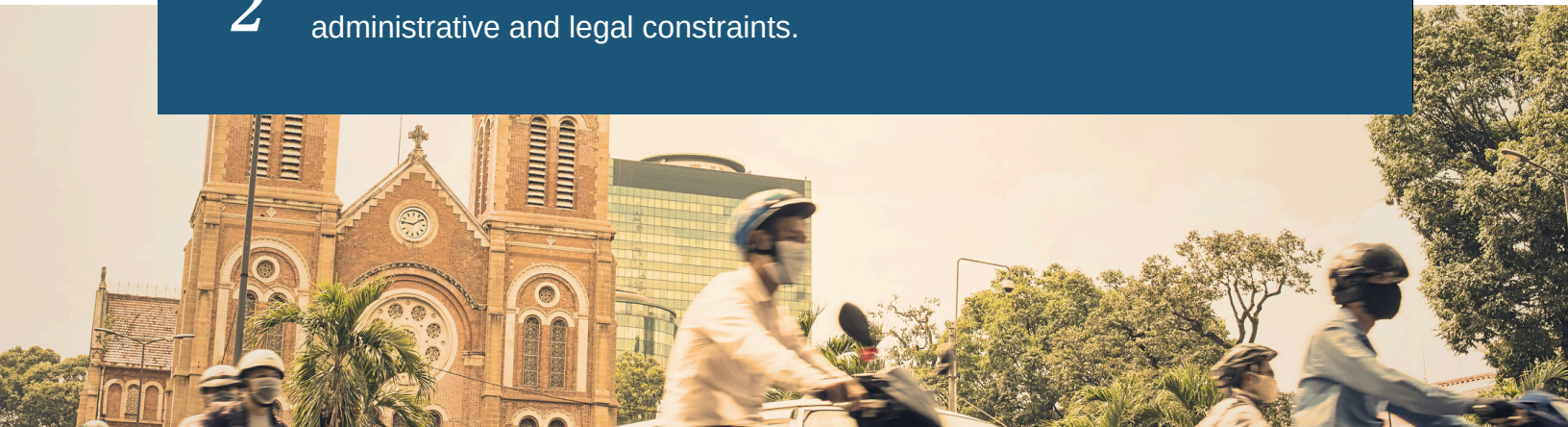
Under the 2013 Constitution and the 2024 Land Law, all land is owned collectively by the people and administered by the State.

Religious institutions, including the Catholic Church, cannot own land privately; instead, they are granted land-use rights subject to administrative recognition and approval. As a result, **the practical exercise of collective religious life**—which for Catholic communities depends on access to churches, chapels, cemeteries, seminaries, and pastoral facilities—is **structurally conditioned by administrative decisions concerning land**.

Formal legal recognition of religious freedom under **Article 18 of the International Covenant on Civil and Political Rights (ICCPR)** to which Vietnam acceded in 1982 encompasses not only individual belief but also the collective manifestation of religion through worship, observance, practice, and teaching. Yet the relationship between land governance and freedom of religion remains underexplored in Vietnamese legal and policy scholarship.

This policy brief is based on empirical research conducted under the SHAPE-SEA Research Grant Program 2024. It examines two related issues:

- 1** how land governance frameworks shape the practical conditions under which the Vietnam Catholic Church exercises religious freedom; and
- 2** what adaptive strategies Catholic parishes employ in response to administrative and legal constraints.





II. Methodology

The research employed a **mixed-methods** design combining questionnaire surveys, in-depth interviews, legal analysis, policy analysis, case-study development, and secondary document review.



Fieldwork was conducted at 21 Catholic parishes across several northern provinces and cities, including Nam Dinh, Ninh Binh, and Hanoi. The sample was purposively selected to capture variation in urban and rural contexts, parish size, and historical land status.



In addition, eight in-depth interviews were conducted with priests, parish coordinators, and lay members. The interview instrument was semi-structured and focused on (1) experiences with land registration, construction, and renovation procedures; (2) interactions with local authorities; (3) dispute resolution strategies; and (4) the perceived relationship between land governance and the exercise of religious freedom.

The research does not aim to produce statistically representative findings about all Catholic parishes in Vietnam. Rather, it seeks to provide an in-depth account of **how land governance operates in practice** and **how religious communities navigate legal and administrative constraints**. The findings nevertheless present consistent patterns that have broader policy relevance.

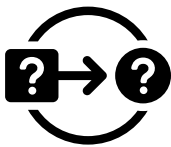
III. Research Results

A. Land governance significantly affects the practical conditions of religious life

The research confirms that land administration substantially shapes the ability of Catholic parishes to sustain collective religious practice. The findings indicate:



Approximately **80% of surveyed parishes had encountered legal or administrative barriers** relating to construction, renovation, or land-use activities.



Of these cases, approximately **70% remained unresolved** at the time of the study.

Recurring issues identified across parishes included: delays in construction permit approvals; administrative uncertainty regarding the legal status of historically occupied land; inconsistent implementation across localities; difficulties in expanding worship space to meet growing congregational needs; and prolonged disputes with no clear avenue for resolution.



Notably, fewer than 5% of parishes had pursued formal administrative or judicial remedies. This finding suggests that formal legal channels remain either inaccessible or perceived as ineffective by religious communities, despite their nominal availability under Vietnamese administrative law.



B. Administrative discretion creates uneven implementation

While national law provides the formal legal framework, **practical outcomes depend heavily on the discretion of local authorities**. The study identifies significant variation between provinces in the interpretation of land regulations, the degree of administrative flexibility extended to religious institutions, and the political and social contexts that shape local decision-making.



As a result, **religious institutions frequently face legal uncertainty** even when operating within formally recognized frameworks. In this governance environment, personal relationships with local officials, informal negotiation, and local trust networks become decisive factors in determining whether construction approvals are granted, disputes are resolved, or land-use arrangements are tolerated. These informal mechanisms often substitute for, rather than complement, formal systems of administrative accountability.

C. Catholic parishes adopt adaptive rather than confrontational strategies

One of the central findings of this research is that **Catholic institutions rarely engage in direct legal confrontation** with the State, even when facing substantial and prolonged constraints. Instead, parishes employ a range of adaptive strategies, including:



- asserting historical land claims based on pre-1954 possession or long-term religious use;
- formally petitioning local authorities while carefully managing the political tenor of requests;



- acquiring or using land informally and subsequently seeking retrospective administrative legalization;
- engaging in negotiation to resolve administrative barriers on a case-by-case basis;
- selectively engaging in legal confrontation only in circumstances where core institutional interests are directly threatened.

These practices constitute what this study terms '**silent institutional negotiation**', a model of adaptive governance from below in which religious communities continuously seek to preserve institutional stability while accommodating prevailing legal and political conditions. The state-religion relationship, as revealed by the research, is therefore not primarily antagonistic. It is better understood as an **ongoing, asymmetrical, and largely informal process of negotiation and accommodation**.

IV. Human Rights Implications



These findings carry significant implications for Vietnam's obligations under international human rights law. **Article 18 of the ICCPR** provides comprehensive protection for freedom of religion, encompassing the collective manifestation of belief through worship, observance, practice, and teaching. This protection extends to the institutional dimension of religious life, including the maintenance of places of worship and the organizational infrastructure of religious communities.



The UN Human Rights Committee has clarified that restrictions on the freedom to manifest religion must meet the **requirements of legality, necessity, and proportionality under Article 18(3) ICCPR**. Restrictions lacking a clear legal basis, or that derive primarily from administrative discretion rather than defined legal criteria, raise serious concerns with respect to the legality requirement. In addition, restrictions whose implementation is inconsistent and unpredictable undermine the legal certainty required for individuals and communities to plan and exercise their rights.



The study indicates that the prevailing land governance framework generates precisely these conditions. **Indirect administrative restrictions** can produce substantial practical limitations on religious freedom even in the absence of explicit legal prohibitions. **Prolonged legal uncertainty** additionally weakens institutional trust, increases informal dependence on local authorities, discourages the use of formal accountability mechanisms, and generates underlying social tensions that are difficult to detect through formal monitoring channels.

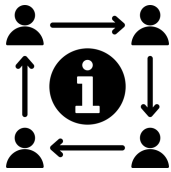


The concentration of religious communities' coping efforts in informal negotiation, rather than formal rights-assertion, also has implications for the accessibility and effectiveness of legal remedies. Under Articles 2 and 18 ICCPR, Vietnam is obligated not only to recognize freedom of religion but also to ensure that effective remedies are available when that freedom is infringed. The near-absence of formal dispute resolution indicates a significant gap in the accessibility of such remedies for religious institutions.

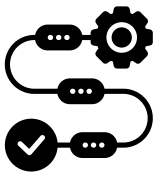
V. Policy Recommendations

The following recommendations **address the barriers** identified in this research, namely: administrative opacity and inconsistency; over-reliance on discretionary decision-making; absence of effective accountability mechanisms; and the lack of institutionalized dialogue between the State and religious communities.

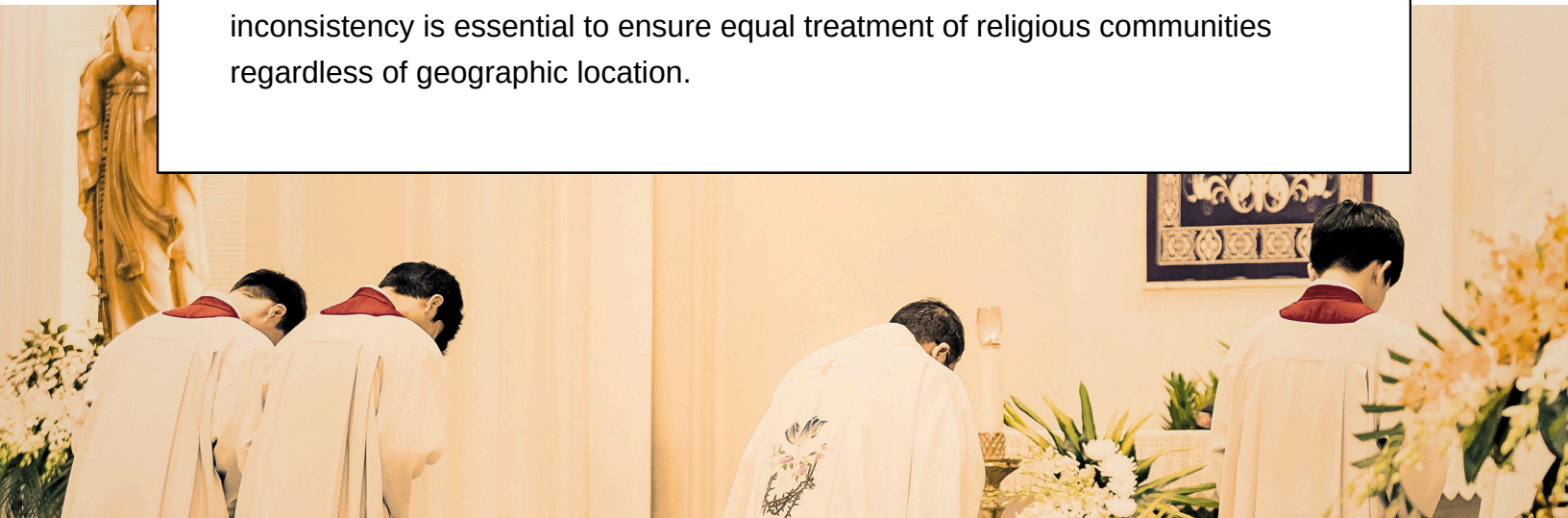
For the the Vietnamese Government and Competent Authorities



First, administrative procedures governing religious land use should be **clarified, standardized, and made publicly accessible**. The criteria and processes for approving construction, renovation, and land-use conversion affecting religious institutions should be codified in clear, publicly available administrative guidance. Greater transparency would reduce legal uncertainty under which informal negotiation currently substitutes for legal clarity.



Second, **more predictable and standardized procedures** for construction and renovation permits should be established for religious institutions. This should include defined timelines for administrative decisions, standardized procedural requirements applicable across localities, and accessible review mechanisms for cases where decisions are delayed or withheld without explanation. Reducing inter-provincial inconsistency is essential to ensure equal treatment of religious communities regardless of geographic location.





Third, **accountability mechanisms applicable to administrative decisions affecting religious institutions** should be strengthened. Administrative decisions should be subject to clearer legal standards, internal review processes, and accessible complaint procedures. Strengthening these mechanisms would reduce dependence on informal negotiation and facilitate the use of formal legal remedies that currently go largely unused.



Fourth, **dialogue-based governance approaches** should be institutionalized. Rather than relying primarily on control-oriented administration, local authorities should establish regular consultation mechanisms, periodic dialogue platforms, and participatory communication channels with religious communities. This would support the development of more cooperative and stable state–religion relations grounded in predictable governance rather than personal relationships.

For Religious Institutions



First, religious organizations should strengthen their **legal awareness and documentation practices**, including the maintenance of land documentation and historical archives and the development of systematic knowledge of administrative law procedures relevant to land-use and construction approvals.



Second, **inter-parish cooperation, legal consultation networks, and policy dialogue initiatives** with scholars and civil society organizations remain underutilized resources for collective advocacy and legal protection. Expanding these forms of cooperation would increase the capacity of religious communities to navigate land governance challenges and to engage more effectively with formal administrative and legal processes.

VI. Conclusion

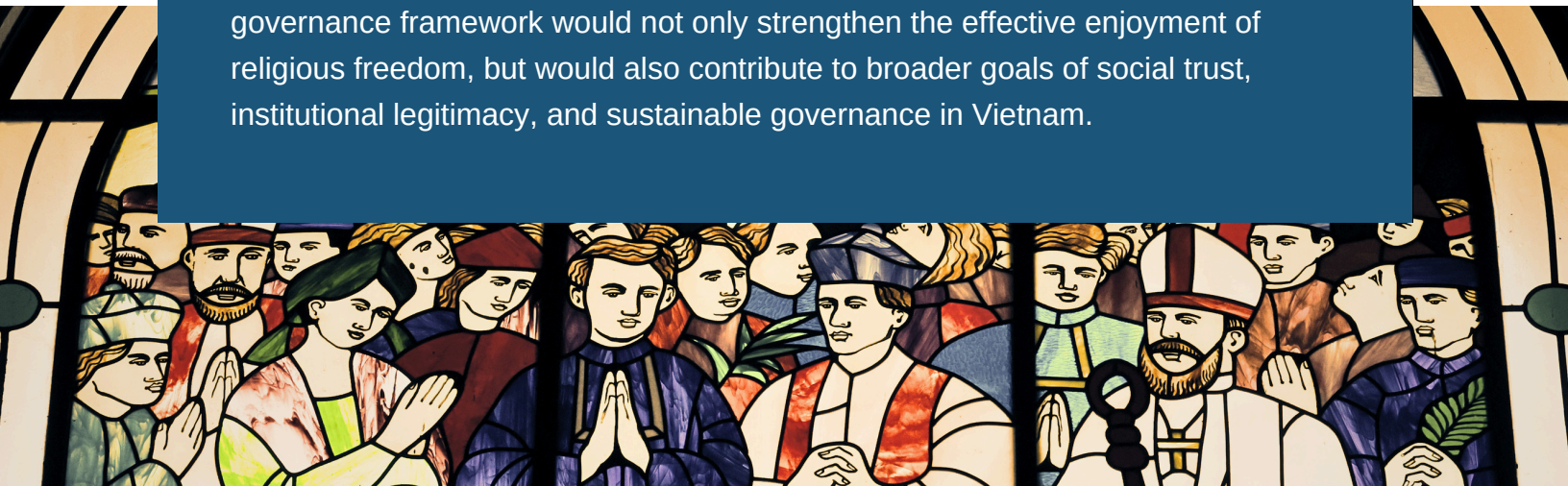
This study demonstrates that land governance plays a critical and underappreciated role in shaping the practical conditions of religious freedom in Vietnam. While the Vietnamese State formally recognizes freedom of religion, the implementation of land policies creates varying and often substantial degrees of **legal uncertainty and institutional constraint** for religious communities.



At the same time, the findings make clear that Catholic parishes are not passive actors in this environment. Through **adaptive and pragmatic strategies**, they continuously negotiate space for religious practice within evolving governance structures. The resulting relationship between the State and religious communities is less a direct conflict than an ongoing and largely invisible process of accommodation under conditions of legal asymmetry.



The core policy challenge is therefore not only one of religious freedom in a narrow sense. It reflects a broader governance question: how to design land administration systems that are simultaneously legally certain, administratively consistent, publicly accountable, and respectful of fundamental rights — including the right to collectively manifest one's faith. A more transparent, accountable, and dialogue-oriented land governance framework would not only strengthen the effective enjoyment of religious freedom, but would also contribute to broader goals of social trust, institutional legitimacy, and sustainable governance in Vietnam.





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